

**SUMMARY ANALYSIS OF AMENDED BILL**

Author: Leno Analyst: Deborah Barrett Bill Number: AB 1393  
 Related Bills: See Prior Analysis Telephone: 845-4301 Amended Date: August 31, 2007  
 Attorney: Patrick Kusiak Sponsor: \_\_\_\_\_

**SUBJECT:** Public Record Disclosure/State Agency Internet Web Sites/Public Records  
 Center/Authorize Persons To Request To Inspect Or Receive Public Record

\_\_\_\_\_ DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous  
 analysis of bill as introduced/amended \_\_\_\_\_.

\_\_\_\_\_ AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.

\_\_\_\_\_ AMENDMENTS DID NOT RESOLVE THE DEPARTMENTS CONCERNS stated in the  
X previous analysis of bill as amended August 1, 2007.

\_\_\_\_\_ FURTHER AMENDMENTS NECESSARY.

\_\_\_\_\_ DEPARTMENT POSITION CHANGED TO \_\_\_\_\_.

\_\_\_\_\_ REMAINDER OF PREVIOUS ANALYSIS OF BILL AS INTRODUCED February 23, 2007,  
X STILL APPLIES.

\_\_\_\_\_ OTHER – See comments below.

**SUMMARY**

This bill would require a state agency to include specific information on its web site about how to request copies of public records.

**SUMMARY OF AMENDMENTS**

The August 31, 2007, amendments removed provisions allowing a person to request the Attorney General to review a local agency's denial of a written request to inspect or receive a copy of a public record. The August 31, 2007, amendments failed to resolve the "Implementation Considerations" identified in the department's analysis of the bill as amended August 1, 2007, and did not include appropriation language to fund the department's costs to implement this bill. The "Implementation Consideration," "Suggested Amendments," and "Fiscal Costs" are repeated here for convenience. The "This Bill" discussion has been revised. The remainder of the department's analysis of the bill as introduced February 23, 2007, still applies.

**POSITION**

Pending.

Board Position:

\_\_\_\_\_ S \_\_\_\_\_ NA \_\_\_\_\_ NP  
 \_\_\_\_\_ SA \_\_\_\_\_ O \_\_\_\_\_ NAR  
 \_\_\_\_\_ N \_\_\_\_\_ OUA X PENDING

Legislative Director

Date

Brian Putler

9/07/07

## **Summary of Suggested Amendments**

Amendment 1 is provided to suggest appropriation language to fund the department's costs.

### **THIS BILL**

This bill would require every state agency that maintains an Internet site to include on the agency's homepage, prominently displayed so it is easily visible without scrolling when viewing the homepage, the words "Public Records Center." Those words would be followed by or would link to another page showing all of the following:

- Under the words "Whom to Contact," the title, mailing address, telephone number, and e-mail address of the public information officer or other person(s) to whom requests for inspection or copying of records or informal requests for simple factual information should be directed.
- Under the words "How to Request Records," the written procedures in the form of regulations for accessing public records at the agency and a form in HTML language or comparable alternative technology, for submitting online requests consisting of all the following labeled fields:
  - Today's date.
  - My name (optional).
  - My contact information including at least one of the following:
    - 1) My e-mail address
    - 2) My postal address
    - 3) My telephone number
  - I am interested in the following records or information.
  - Where can I inspect these records?
  - Send me copies of the records.
  - Send me a fee estimate before copying.

The submitted form would be designed to send a copy of the request immediately and automatically to the e-mail address listed on the form, if the email address was provided by the submitter. These requirements are operative as of January 1, 2009.

This bill would provide for the establishment of an advisory task force that would be convened by the Department of Justice to consider and make recommendations for a statutory standard governing the postings of requests and denials and public documents that are subject to disclosure. The bill prescribes the membership of the task force and also prescribes the issues the task force is to consider. The bill would require the task force to report its findings and recommendations to the Governor and the Legislature by no later than September 30, 2008, at which time the task force would cease to exist.

## **IMPLEMENTATION CONSIDERATIONS**

The bill would require that when a desktop monitor is used, the Public Record Center link must be prominently displayed and viewable on the home page of the web site without scrolling. Because of the variances in users' screen resolutions, FTB cannot ensure that a taxpayer can view the link without scrolling. The author may wish to consider specifying a precise location for the link that is not hampered by variances in screen resolution from one user to another as the method to ensure the bill is administered as the author intends.

## **FISCAL IMPACT**

The department anticipates a first-year cost of approximately \$302,000 to do the following: create the online form, conduct usability programming, test and maintain the web page, and obtain equipment to store, secure, and verify e-mail addresses. In addition, the department anticipates on-going annual costs of \$283,000 for additional staff to handle anticipated increases in Public Records Act requests in the Disclosure Section and one new Personnel Year in the Legal Department to provide legal assistance and guidance to Disclosure staff. It is recommended that the bill be amended to include appropriation language that would provide funding to implement this bill. Lack of an appropriation would require the department to secure the funding through the normal budgetary process, which would delay implementation of this bill.

## **LEGISLATIVE STAFF CONTACT**

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FRANCHISE TAX BOARD'S  
PROPOSED AMENDMENTS TO AB 1393  
As Amended August 1, 2007

AMENDMENT 1

On page 11, after line 17, insert:

SEC 7. The sum of three hundred and two thousand dollars (\$302,000) is hereby appropriated to the Franchise Tax Board in augmentation of item 1730-001-0001 of the Governor's Budget, Chapter XX, Statutes of XXXX.